

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 3, 2006

TO: Internal File

THRU: D. Wayne Hedberg, Permit Supervisor

FROM: Joe Helfrich, Team lead, Cultural resources, Biology

RE: Bear Canyon Lease Addition, Co-op Mining Company, Bear Canyon Mine, # C/015/0025, Task ID # 2292

SUMMARY:

On July 22, 2005 Co-op Mining Company submitted an amendment to add 60 acres to lease U-024316, 2,196 acres to lease U-61049, 1400 acres to lease U 46484, 1,108.27 acres to lease 61048 and 2,740 acres of private property to the current permit area. The lease additions are extensions of existing leases for the Bear Canyon mine located in Huntington Canyon. This memo will include a review of the Cultural Resources and Biology sections of the regulations.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

A cultural resource survey of the Wildhorse ridge area is referenced in the application as appendix F. However the appendix is not included in the application. An archeological survey needs to be completed for the new lease additions as well. The survey should also include coordination with and evidence of clearances by the SHPO, (State Historic Preservation Office).

Findings:

The information provided is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must provide the following in accordance with

R645-301-411, appendix F needs to be included in the application. An archeological survey needs to be completed for the new lease additions as well. The survey should also include coordination with and evidence of clearances by the SHPO, (State Historic Preservation Office).[jch]

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

Vegetation resource information is included in chapter three of the approved Mining and Reclamation Plan, (MRP). Additional information regarding the Bear Canyon Lease Addition includes the addition of text on page 3-14 referencing the vegetation study performed by Mt. Nebo Scientific and the addition to Plate 3-1. The gold boundary lines and blue dashed boundary lines on plate 3-1 need to be identified in the legend. The black jagged line in the legend is not represented on the map and should be removed.

Findings:

The information provided is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must provide the following in accordance with

R645-301-320, the gold boundary lines and blue dashed boundary lines on plate 3-1 need to be identified in the legend. The black jagged line in the legend is not represented on the map and should be removed. An on site visit to ground truth plate 3-1, (the vegetation map); will need to be completed prior to approval. [jch]

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

The application includes Appendix 3M-1, (Bat and Owl survey), Plate 3-2, (Deer habitat map), Plate 3-3, (Elk habitat), and text revisions to pages 3-IV, 3-2, 3-14, and 3-29.

Findings:

The information submitted in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must submit the following information in accordance with:

R645-301-322, The additional lease areas to be added to the current Bear Canyon permit boundary need to be identified on Plate 3-2. The current permit boundary also needs to be correctly identified in the legend on Plate 3-2. [jch]

The additional lease areas to be added to the current Bear Canyon permit boundary need to be identified on Plate 3-1. The current permit boundary also needs to be correctly identified in the legend on Plate 3-1. [jch]

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

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Analysis:

Archeological Site Maps

The application does not include archeological site maps for those acreages included in the lease addition.

Cultural Resource Maps

The application does not include Cultural Resource maps for those acreages included in the lease addition.

Findings:

The information submitted in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must submit the following information in accordance with:

R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731, The application needs to include Archeological Site maps and Cultural Resource maps for those acreages included in the lease addition. A class three archeological survey is required for the lease addition acreages. [jch]

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR784.17; R645-301-411.

Analysis:

The application does not include Cultural Resource maps for those acreages included in the lease addition

Findings:

The information submitted in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must submit the following information in accordance with:

R645-301-411, The application needs to include Cultural Resource maps for those acreages included in the lease addition or a finding from the Cultural resource

inventory that there are no known historic sites of this type within the proposed lease additions. [jch]

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

The application does not include information that addresses this section of the regulations. Typically lease additions may or may not be affected by the effects of subsidence. The application needs to include a protection and enhancement plan that addresses the possible impacts from subsidence to fish and wildlife.

Endangered and Threatened Species

The application does not include information that addresses this section of the regulations. The application needs to include a current list of Threatened and Endangered plant and wildlife species for the proposed lease addition areas and a narrative about the existence of those species listed for the county, (Emery), where the lease additions are located. The application also needs to include calculations that demonstrate the amount of water consumed from mining activities in acre-feet per year. This information is required for the Colorado Fish Recovery program to ensure compliance with the Endangered Species Act.

Bald and Golden Eagles

The application does not include information that addresses this section of the regulations. The application needs to include a current raptor survey for the lease addition areas and a discussion about the potential impacts to these birds from subsidence.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

The application does not include information that addresses this section of the regulations. The application needs to include an evaluation of the status of Wetlands and Habitats of high value for Fish and Wildlife for the lease addition areas and a discussion about the potential impacts from subsidence.

Findings:

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The information submitted in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must submit the following information in accordance with:

R645-301-322, -301-333, -301-342, -301-358.

- The application needs to include a protection and enhancement plan that addresses the possible impacts from subsidence to fish and wildlife. [jch]
- The application needs to include a current list of Threatened and Endangered plant and wildlife species for the proposed lease addition areas and a discussion about the existence of those species listed for the county, (Emery), where the lease additions are located. [jch]
- The application needs to include a current raptor survey for the lease addition areas and a discussion about the potential impacts to these birds from subsidence. [jch]
- The application needs to include an evaluation of the status of Wetlands and Habitats of high value for Fish and Wildlife for the lease addition areas and a discussion about the potential impacts to from subsidence. [jch]

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

The application does not include information that addresses this section of the regulations. The application needs to include a discussion about the potential impacts to vegetation from subsidence for the lease addition areas.

Findings:

The information submitted in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant must submit the following information in accordance with:

R645-301-330, -301-331, -301-332. The application needs to include a discussion about the potential impacts to vegetation from subsidence for the lease addition areas. [jch]

RECOMMENDATIONS:

The application is not recommended for approval at this time.
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